

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Douglas W. Simrell,

Case No. 3:23-cv-1382

Plaintiff,

v.

ORDER

Dave White Chevrolet, LLC, et al.,

Defendants.

On September 15, 2023, Defendants filed a motion to dismiss Plaintiff's Complaint. (Doc. No. 4). Thirteen days later, on September 28, 2023, Plaintiff filed a First Amended Complaint, (Doc. No. 5), as well as a substantive response to Defendants' motion to dismiss. (Doc. No. 6).

Because the Plaintiff had not previously amended the Complaint, and because Plaintiff filed the First Amended Complaint within twenty-one days of the motion to dismiss, Plaintiff was permitted to file his First Amended Complaint as a matter of course. *See* Fed. R. Civ. P. 15(a)(1)(B). Therefore, the First Amended Complaint is now operative, and Defendants' motion to dismiss is denied as moot. (Doc. No. 4).

So Ordered.

s/ Jeffrey J. Helmick  
United States District Judge